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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/815,263 | 03/31/2004 | Kalle Kangas | 879A.0020.U1(US) | 7473 |
| 29683 | 7590 | 02/08/2006 | EXAMINER | |
| HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212 | | | WENDELL, ANDREW | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2643 | |

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/815,263 | Applicant(s) KANGAS ET AL. | |
| | Examiner Andrew Wendell | Art Unit 2643 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Note, "a phase" can not be repeated throughout the claim unless "said" or "the" is before the term "a phase." Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1, 5-7, and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Crocker et al. (US Pat Appl# 2004/0198366).

Regarding claim 1, Crocker et al. communication retry method over digital wireless systems teaches a method for establishing a wireless data transfer connection between a remote application (call center) 170 (Fig. 1) and a controlling application (mobile vehicle telematics unit) 120 (Fig. 1), where the wireless link from the remote

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application is implemented by a wireless terminal connected to the remote application and in which method the wireless terminal selects a usable connection parameter setting 260 (Fig. 2) for the wireless link from a group of allowable connection parameter settings (Sections 0034-0035), if a default connection parameter setting 210 (Fig. 2) for the wireless link is not usable 220, 250 (Fig. 2).

Regarding claim 5, Crocker et al. teaches wherein establishing a data transfer connection between the remote application (call center) 170 (Fig. 1) and the controlling application (mobile vehicle telematics unit) 120 (Fig. 1) comprises a phase, where a data transfer need is detected 210 (Fig. 2, section 0027) a phase, where a default connection parameter setting is checked 210 and 220 (Fig. 2) a phase, where a connection establishment attempt with the default connection parameter setting is made 210, 220, or 230 (Fig. 2) a first comparison phase 220 (Fig. 2), where it is checked if the data transfer connection has been established using default connection parameter setting (Section 0029); and if not established a second comparison phase 250 (Fig. 2), where it is checked if a retry with default connection parameter setting is allowed (Section 0033); and if not allowed a third comparison phase 260 (Fig. 2), where it is checked if a backup connection parameter setting is defined (Section 0034); and if defined a fourth comparison phase 270 (Fig. 2), where it is checked if the backup connection parameter setting is allowed (Sections 0034 and 0035); and if allowed a phase 260 and 280 (Fig. 2), where the backup connection parameter setting replaces the default connection parameter setting (Section 0036) and a phase, where a

connection establishment attempt with the backup connection parameter setting is made 280 (Fig. 2 and Section 0035).

Regarding claim 6, Crocker et al. teaches which further comprises a phase where it is noticed that the connection establishment is not possible because there is no backup connection parameter settings defined according to the third comparison phase or allowed according to the fourth comparison phase 270 ("Yes," Fig. 2).

Regarding claim 7, Crocker et al. teaches a wireless terminal (mobile vehicle telematics unit) 120 (Fig. 1) connected to a remote application (call center) 170 (Fig. 1), the wireless terminal comprising transmitting and receiving means (Sections 0013-0016), a memory (Sections 0013-0015), an application interface (Sections 0013-0015) and a central unit (Sections 0013-0015), where the central unit further comprises a control logic (Section 0013-0014), which is arranged to select a usable connection parameter setting 260 (Fig. 2) for the wireless link from a group of allowable backup connection parameter settings (Sections 0034-0035), if a default connection parameter setting 210 (Fig. 2) for the wireless link is not usable 220, 250 (Fig. 2).

Regarding claim 14, the combination including Crocker et al. teaches a list of allowable service operators in preferred order (Fig. 3).

Regarding claim 15, Crocker et al. teaches a phase, where a data transfer need is detected 210 (Fig. 2, section 0027) a phase, where a default connection parameter setting is checked 210 and 220 (Fig. 2) a phase, where a connection establishment attempt with the default connection parameter setting is made 210, 220, or 230 (Fig. 2) a first comparison phase 220 (Fig. 2), where it is checked if the data transfer

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connection has been established using default connection parameter setting (Section 0029); and if not established a second comparison phase 250 (Fig. 2), where it is checked if a retry with default connection parameter setting is allowed (Section 0033); and if not allowed a third comparison phase 260 (Fig. 2), where it is checked if a backup connection parameter setting is defined (Section 0034); and a fourth comparison phase 270 (Fig. 2), where it is checked if the backup connection parameter setting is allowed (Sections 0034 and 0035); and if allowed a phase 260 and 280 (Fig. 2), where the backup connection parameter setting replaces the default connection parameter setting (Section 0036) and a phase, where a connection establishment attempt with the backup connection parameter setting can be made 280 (Fig. 2 and Section 0035).

Regarding claim 16, Crocker et al. teaches which further comprises a phase where it is noticed that the connection establishment is not possible because there is no backup connection parameter settings defined according to the third comparison phase or allowed according to the fourth comparison phase 270 ("Yes," Fig. 2).

Regarding claim 17, Crocker et al. teaches a computer program saved on an information carrier (Sections 0013-0015).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crocker et al. (US Pat Appl# 2004/0198366).

Regarding claim 2, Crocker et al. communication retry method over digital wireless systems teaches where after a succeeded data transfer connection the wireless terminal restores the original default connection parameter setting. The first link is predetermined set (Sections 0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate.

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate restoring to the original default connection into Crocker et al. communication retry method over digital wireless system in order to improve the method of reestablishing communication links (Section 0006).

Regarding claim 3, Crocker et al. teaches where the original connection parameter setting is restored immediately after the succeeded data transfer connection. Again, the first link is predetermined set (Sections 0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate.

Regarding claim 4, Crocker et al. teaches where the original connection parameter setting is restored when a predetermined time (any time limit), defined by the controlling or remote application, has been lapsed after the succeeded data transfer connection. Again, the first link is predetermined set (Sections 0028-0029) it

would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate. It has to happen at a predetermined time (any time) for it to actually restore to the default connection.

Regarding claim 8, Crocker et al. teaches restoring the original default connection parameter setting after a succeeded data transfer connection. The first link is predetermined set (Sections 0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate.

Regarding claim 9, Crocker et al. teaches restoring the original connection parameter setting immediately after the succeeded data transfer connection. Again, the first link is predetermined set (Sections 0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate.

Regarding claim 10, Crocker et al. teaches restoring the original connection parameter setting is restored when a predetermined time (any time limit), defined by the controlling or remote application, has been lapsed after the succeeded data transfer connection. Again, the first link is predetermined set (Sections 0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate. It has to happen at a predetermined time (any time) for it to actually restore to the default connection.

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5. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crocker et al. (US Pat Appl# 2004/0198366) in view of Provost et al. (US Pat Appl# 2004/0203948).

Regarding claim 11, Crocker et al. communication retry method over digital wireless systems teaches the limitations in claim 7. Crocker et al. fails to teach a GSM terminal.

Provost et al. system for acknowledging a message received on a mobile terminal teaches where the wireless terminal is a GSM terminal (Sections 0048 and 0061-0062).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a GSM terminal as taught by Provost et al. into Crocker et al. communication retry method over digital wireless system in order to provide a read acknowledgment system (Section 0005).

Regarding claim 12, the combination including Provost et al. teaches where the group of allowable connection parameter settings allowed for GSM terminal comprises at least two of the following: GPRS (Section 0002) and SMS (Sections 0031 and 0048).

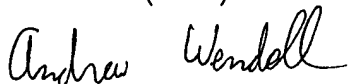
Regarding claim 13, the combination including Crocker et al. teaches where the group of allowable backup connection parameter settings are arranged in a preferred order (Fig. 3).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patent Examiner

Date: 2/3/2006



**DUC NGUYEN
PRIMARY EXAMINER**

ASW